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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/807,014	03/22/2004	Woon Shing Tai	52248/RVW/C990	2231

23363 7590 07/27/2005

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EXAMINER
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LEGESSE, NINI F

ART UNIT	PAPER NUMBER
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3711

DATE MAILED: 07/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/807,014

Applicant(s)

TAI ET AL.

Examiner

Nini F. Legesse

Art Unit

3711

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 10 May 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-18 and 47 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 and 15-17 is/are rejected.
- 7) ☒ Claim(s) 11-14, 18 and 47 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_.

### **DETAILED ACTION**

Applicant's response to the office action of 01/31/05 is acknowledged on 05/10/05.

#### ***Terminal Disclaimer***

The terminal disclaimer filed on 05/10/05 disclaiming the terminal portion of any patent granted on this application which would extend beyond the expiration date of U.S. Patent No. 6,773,357 has been reviewed and is accepted. The terminal disclaimer has been recorded.

#### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 1-10** are rejected under 35 U.S.C. 103(a) as being unpatentable over Clement (US Patent No. 6,048,273) in view of Moriarty (US Patent No. 3,656,752).

- **With regards to claim 1**, first (top section of 12) and second (top section of 10) attachment structures; a lower alignment member (14 with cord 16); at least one longitudinal support member disposed between and fixedly attached to the attachment structures (the ground section area where the device is located as shown on Fig.1); and a target (38) attached to the first attachment structure, and wherein the target defines an opening that is at least as large as a regulation size

golf ball (see column 4 lines 20+). Clement discloses the invention as recited above but fails to include additional alignment member. However the use of two alignment members in the game of golf is not new. Moriarty is one reference that teaches the use of an upper and lower alignment members in a golf game (see elements 16 and 18 on Figs. 2 and 3 of the reference). Thus, it would have been obvious to one of ordinary skill in the art to modify the Clement invention by adding additional second alignment member in order to provide a device by which a player in practice putting may train himself to properly position himself with his head directly above and properly aligned with the ball and with the head of his putter properly positioned at the point of impact with the ball to send the ball along the desired line of travel as disclosed in column 1 lines 25-30 of the Moriarty'd device.

- **With regards to claims 2 - 6**, the target comprises a first arm (left bottom leg part of item 32), second arm (middle section of 32), and a third arm (right bottom leg of item 20) and all recited elements of the claims (see Fig. 1).
- **With regards to claims 7-10**, in column 4 lines 66+, Clement discloses that the cord 16 could be made of any flaccid element. In addition, in the specification of the instant application, Applicant has disclosed that the alignment members could be a variety of different types of materials (see page 3 lines 20-24). Thus, at the time the invention was made, it would have been obvious to a person of ordinary skill in the art to use any type of flexible material because Applicant has not disclosed that the use of elastic material is used for a particular purpose, or

solves a stated problem. One of ordinary skill in the art, furthermore, would have expected Applicant's invention to perform equally well with either the cord taught by Clemet or the claimed elastic /expandable alignment member.

**Claims 15-17** are rejected under 35 U.S.C. 103(a) as being unpatentable over Atkinson in view of Marker, Jr. (US Patent No. 3,722,702).

**With regards to claim 15**, Atkinson discloses the invention as recited above but fails to teach the use of hinge in his device. However, Marker teaches the use of hinge in a rack element (34). It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide hinge in a rack as taught by Marker in the Atkinson device in order to quickly set up the rack without tools and without the need for connection of parts as stated in column 2, lines 1-3 of the Marker's reference.

**With regards to claim 16**, it is noted that the term "flexible" is a relative term and the alignment members of the Atkinson's device are considered to be flexible to some extent.

**With regards to claim 17**, as stated above the term "flexible" is a relative term and the alignment members of the Atkinson's device are considered to be flexible to some extent. With regards to the members being expandable (see column 2 lines 48+).

#### ***Allowable Subject Matter***

**Claims 11-14, 18, and 47** are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

### ***Response to Arguments***

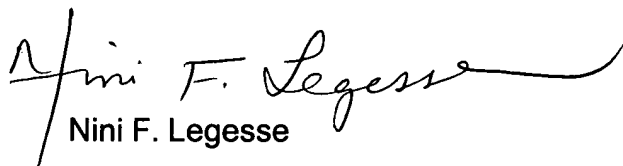
Applicant's arguments with respect to claims 1-18 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nini F. Legesse whose telephone number is (571) 272-4412. The examiner can normally be reached on 9 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Greg Vidovich can be reached on (571) 272-4415. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Nini F. Legesse

07/23/05